

FILED
U.S. DISTRICT COURT
AUGUSTA DIV.

2018 NOV 20 AM 10:34

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA

CLERK J. Hodge
SO. DIST. OF GA.

Bro T. Hesed-El,
Plaintiff,

)

v.

)

Action No. CV 118-200

Navient Solutions, LLC,
Defendant.

)

PLAINTIFF'S MOTION FOR LEAVE TO FILE FEDERAL COMPLAINT

COMES NOW Plaintiff Bro T. Hesed-El (hereinafter "Mr. El") and respectfully moves this Court to grant him leave to file the attached new amended complaint (Exhibit "Federal Complaint"). In support of the attached federal complaint, Mr. El shows the Court the following:

1. This action presents three simple questions for the arbiter of facts to decide -
 - a. Does the law permit a financial institution to lend its credit (i.e. *debt*) for profit?
 - b. Does the law permit Navient Solutions, LLC (hereinafter "Navient") to enforce an indenture instrument against an American when it's not the holder in due course?
 - c. Does the law permit the reporting of an invalidated (i.e. *false*) debt to the 3 bureaus?
2. "It has been settled beyond controversy that a national bank, under Federal law, being limited in its power and capacity, cannot lend its credit by nor guarantee the debt of another. All such contracts being entered into by its officers are ultra vires and not binding upon the corporation." It is unlawful for banks to loan their deposits. Howard & Foster Co. vs. Citizens National Bank, 133 S.C. 202, 130 S.E. 758 (1926).
 - a. Christian Lown and Navient Corporation were named as defendants in error.
 - i. The correct party defendant is Navient Solutions, LLC and replaces them.
3. Plaintiff is willing to dismiss this action ***immediately*** and pay any alleged debt owed if it is shown with proof that Navient actually loaned Mr. El real money and he is indeed in debt.

WHEREAS “on July 21, 2010, President Obama signed into law the Dodd-Frank Wall Street Reform and Consumer Protection Act (the “Dodd-Frank Act”) to reform and strengthen supervision of the U.S. financial services industry. The Dodd-Frank Act represents a comprehensive change to existing laws, imposing significant new regulation on almost every aspect of the U.S. financial services industry.” For other risk factors of doing business with Navient Solutions, LLC, see **Exhibit “Corporate Filings”** attached hereto.

<https://www.sec.gov/Archives/edgar/data/1338039/000119312517227569/d424872dex991.htm>

WHEREAS the Consumer Financial Protection Bureau (CFPB) is the government agency that oversees the implementation of the FDCPA and defines who fits the qualifications of debt collector in a bulletin, see Exhibit I. The CFPB defines debt collector broadly and includes NAVIENT into the category with other designees that the CFPB collectively calls "service providers". Therefore, NAVIENT, as claiming to be in service of this debt (which clearly they are not because they are unable to present the original indenture instrument as the lawful holder in due course), and they must follow the letter of the law as provided in the FDCPA. NAVIENT is a debt collector as defined by the CFPB and therefore the FDCPA.

WHEREAS 28 U.S.C. § 1448 provides: In all cases removed from any State court to any district court of the United States in which any one or more of the defendants has not been served with process or in which the service has not been perfected prior to removal, or in which process served proves to be defective, such process or service may be completed or new process issued in the same manner as in cases originally filed in such district court.

WHEREAS, an affidavit filed in support of this motion is attached hereto.

WHEREFORE, Plaintiff prays to the Great-God Allah alone, asking this this Honorable Court grant leave for Mr. El to file the attached new amended complaint and properly effect service. Plaintiff requests this Court to order any and all other relief that is deemed just, available, and equitable in favor of Mr. El.

Executed this 19th day of November 2018 A.D.

/s/ Bro T. Hesed-El. ARR

Bro T. Hesed-El, Real Plaintiff c/o Trust Mail,
PO BOX 5327 Augusta, Georgia 30916
(404) 455-1869 teamwork3620@gmail.com

CERTIFICATE OF SERVICE

This is to certify that a true copy of the within and foregoing is served upon

Christian Lown, Navient Corporation, and Navient Solutions, LLC

by electronic delivery, by an attachment to an email, to the following counsel of record:

HUNTON ANDREWS KURTH LLP

Daniel B. Millman

Georgia Bar No. 603728

Bank of America Plaza, Suite 4100

600 Peachtree Street, N.E.

Atlanta, Georgia 30308

Telephone: 404-888-4000

Facsimile: 404-888-4190

E-mail: dmillman@huntonAK.com

A true copy of the same is also mailed to the counsel of record via USPS First Class mail.

This 19th day of November, 2018 A.D.

Court documents delivered for filing by Plaintiff's authorized courier

A handwritten signature in blue ink, appearing to be "D. B. Millman", is written over a horizontal line.